

EPI-00311

PATENT

Group I, directed to a composition comprising a dehydroepiandrosterone, encompassing claims 1, 7-14, and 15-48.

Group II, directed to a composition comprising a ubiquinone, encompassing claims 1, 2-6, and 15-48.

Group III, drawn to a method of preventing or treating a disorder with a dehydroepiandrosterone, encompassing claims 49-56, and 61-79.

Group IV, drawn to a method of preventing or treating a disease with a ubiquinone, encompassing claims 49-51, 54, 57-60, and 61-79.

The applicant has amended the claims to include only a dehydroepiandrosterone in claim 1, with ubiquinone added in a dependent claim. Accordingly, Groups I and II form one, and only one, group of claims, and Groups III and IV form a sole group of claims, as well.

Moreover, the applicant is hereby also requesting that the requirement for restriction be withdrawn, and that all claims be examined in this case, given that a search of the uses for the composition will have to be conducted when examining the composition claims. Moreover, a similar search was conducted in the parent application, and merely an update of the search is now required.

Alternatively, although the applicant has elected the composition claims, should the examiner not wish to include all groups in this application, it is hereby requested that upon a finding of allowance, the method of use claims be joined as provided by the Patent Laws of the United States.

The examiner also required the election of one species of disease, and the applicant has obliged by electing, for searching purposes only, chronic obstructive pulmonary disease (COPD).

non-elected

2 - The Amendment

THE CLAIMS

Claims 1 through 79 were active in this case, and several claims have been amended. Accordingly, claims 1-79 remain pending. Consideration and allowance of the claims is requested.

The amendments to the claims are fully supported by the specification, as filed and by the original claims. No objectionable new matter has been added by this amendment.

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No fees are believed to be due for the filing of this Response. However, the Assistant Commissioner for Patents is hereby authorized to charge any fees owed to Deposit Account No. 50-1728, including fees for an extension of time which, if necessary, is hereby requested.

Respectfully submitted.
EPIGENESIS PHARMACEUTICALS, INC.

10/24/01
Date

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I hereby certify that this correspondence is being deposited with the United States Postal Service, Express Mail, under 37 CFR 1.10 and addressed to Box New Application, Assistant Commissioner for Patents, on October 24, 2001, by Rashida Haji.

R. Haji
SIGNATURE

S:\00311\Response 01-10-25 Restriction